

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

UNITED STATES OF AMERICA,      )      CR 12-22-H-DLC  
                                      )  
                                      )  
Plaintiff,                        )  
                                      )  
                                      )  
vs.                                )      ORDER  
                                      )  
                                      )  
SHERYL GILLESPIE,                )  
                                      )  
                                      )  
Defendant.                        )  
                                      )  
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United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on January 24, 2013. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313

(9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Sheryl Gillespie’s guilty plea after Gillespie appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered her plea of guilty to one count of conspiracy to commit fraud in violation of 18 U.S.C. § 371 (Count I), as set forth in the Information.

I find no clear error in Judge Lynch’s Findings and Recommendation (doc. 13), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS HEREBY ORDERED that Sheryl Gillespie is adjudged guilty of the criminal charge set forth in the Information.

DATED this 12<sup>th</sup> day of February, 2013.



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Dana L. Christensen  
Dana L. Christensen, District Judge  
United States District Court